

## NATIONAL TRANSPORTATION SAFETY BOARD

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INTERVIEW OF:  
R. SILVA

+ + + +

MARCH 8, 2004

+ + + +

(Transcript produced from audio CD provided by the

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National Transportation Safety Board.)

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P-R-O-C-E-E-D-I-N-G-S

2:20 p.m.

MR. ROTH-ROFFY: Okay. Good afternoon.

My name is Tom ROTH-ROFFY (phonetic sp.). The time is about 20 minutes after 2:00 on March the 8th, 2004 and we're here to interview the Fleet Captain of Seaport Taxi.

Good afternoon, sir.

MR. SILVA: Good afternoon.

MR. ROTH-ROFFY: What I'd like now is -- well, let me just do an introduction. We're -- I'm with the National Transportation Safety Board and we're investigating the accident that occurred aboard the Lady D on March 6th, 2004 and the National Transportation Safety Board is doing a safety investigation. We are not concerned with any legal aspects of this accident. Strictly interested in improving safety.

What I'd like is for everybody here to -- to introduce themselves starting with you, sir.

MR. SILVA: Ron Silva, Fleet Captain, Seaport Taxi.

LIEUTENANT COMMANDER HAMMON: Lieutenant Commander Mark Hammon, Coast Guard Activities,

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1 Baltimore.

2 MR. NARIZZANO: Ed Narizzano, Seaport  
3 Taxi Director.

4 MR. ROTH-ROFFY: Okay. With that, we'll  
5 go ahead and start.

6 Ron, if you would please, tell me what  
7 your current position is and -- and what those --  
8 what your duties are.

9 MR. SILVA: I'm Fleet Captain for the  
10 Seaport Taxi Fleet. The -- my responsibilities  
11 include supervision management, boat maintenance,  
12 boat repair scheduling. All under the direction or  
13 Ed Narizzano, the Director of Seaport Taxi.

14 The -- the overall position is -- is kind  
15 of fluid in -- in many ways. Under Ed's direction, I  
16 -- I cover many of the same things Ed does. Most  
17 particularly the maintenance things. I quite often  
18 have to defer to Ed's expertise the -- for the day-  
19 to-day activities and the day-to-day maintenance and  
20 calls down on the pier. I'm pretty comfortable with  
21 the operation of the boat. It's the mechanical --  
22 the engine and mechanical stuff primarily that Ed can  
23 tell me in his sleep, but it'll take me two hours to  
24 figure out.

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1 MR. ROTH-ROFFY: Okay. And how long have  
2 you been in your current position?

3 MR. SILVA: 2001.

4 MR. ROTH-ROFFY: About what month? Do  
5 you recall?

6 MR. SILVA: Probably would have been  
7 June/July. June or July. Ed was the Fleet Captain  
8 when I came back that year. When Ed was promoted to  
9 Director, I became Fleet Captain.

10 MR. ROTH-ROFFY: Okay. So, Ed was the  
11 predecessor in your position --

12 MR. SILVA: That's correct.

13 MR. ROTH-ROFFY: -- as Fleet Captain and  
14 tell us -- tell me about your -- your -- your work  
15 experience, your educational and training background  
16 if you could please.

17 MR. SILVA: Okay. At one point in time,  
18 I considered myself semi-retired. My original -- I  
19 originally started out working in social work.  
20 Worked for the city of Cambridge for 11 years in  
21 delinquency prevention and control. From there, I  
22 went to Harvard Community Health Plan which is a  
23 large HMO in the New England area. I was the  
24 Director of Facilities and Facilities Manager for

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1 Harvard Community Health Plan for about ten years.

2 During that process, I received a  
3 Bachelor's Degree in Business Administrative and a  
4 Master's Degree in Urban Affairs and Advanced  
5 Graduate Certificates in Adult Education and  
6 Training.

7 At the point in time where I decided that  
8 I was going to more actively pursue my early  
9 retirement, I purchased a CSY -- a 40-foot CSY. It's  
10 52 overall. Again, fitting her out as a six-pack  
11 charter boat and got my first Coast Guard license.  
12 That was '89 I believe.

13 From there on, I've had various positions  
14 with charter companies and on -- on other vessels  
15 culminating in the current position with Seaport  
16 Taxi.

17 MR. ROTH-ROFFY: Okay. So, if you could  
18 go back to 1989 and describe a little more detail  
19 about -- about, you know, the different jobs that you  
20 did in the -- in the marine --

21 MR. SILVA: Well, as I said, initially I  
22 fit out my own vessel as a crew charter boat and  
23 operated as a crew charter boat with -- within other  
24 fleets including the Boy Scouts of America, ABC

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1 Charters, Key Sail Charters and from there, I went to  
2 the ABC Charter Fleet in New Port Richey on the west  
3 coast of Florida. Operated in the Gulf of Mexico  
4 down into and through the Keys.

5 Within a very short period of time, I was  
6 a Fleet Captain for ABC Charters. I stayed with them  
7 until the -- the owner basically bankrupt the  
8 company. From there, I move on to the  
9 Show Queen which is a 200 passenger dinner cruise  
10 boat. It operates in the coastal waterways, in the  
11 clear water area. Also operated their -- for a short  
12 period of time, operated their dolphin tour boat that  
13 operated in the Gulf of Mexico as well as their two  
14 sailboats that -- one was a 12 passenger. One was a  
15 16 passenger boats. They also went to the Gulf of  
16 Mexico.

17 From there, I went to Sea Coast Charter  
18 Company as their Fleet Captain. I worked with them  
19 for two and a half year.

20 Oh, in -- in the middle there, I did a  
21 couple of months in the Gulf as a crew boat captain.

22 Not a good thing to do.

23 Then I went on to Fort Myers Beach as  
24 second captain on a gambling boat and operating

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1 engineer underway. Was a Panamanian flight vessel.

2 And from there, I went back into private  
3 charter for about a year or two, actually a year and  
4 then I started working for Seaport Taxi which would  
5 have been right when they bought. I was one of the  
6 first captains they hired.

7 MR. ROTH-ROFFY: Okay. So, you started  
8 with Seaport Taxi as a -- as a captain.

9 MR. SILVA: Yes.

10 MR. ROTH-ROFFY: Which boats did you run  
11 as a captain?

12 MR. SILVA: All of them. In -- in -- in  
13 the first year after the company was purchased from  
14 Mr. Morgan, there was a considerable amount of repair  
15 and restoration work necessary on the boats. So,  
16 consequently, you either ran everything or you didn't  
17 do much.

18 My primary boat was the Revenge at the  
19 time which is what we refer to as the three boat and  
20 that was the Fort McHenry route.

21 MR. ROTH-ROFFY: Did you operate the Lady  
22 D?

23 MR. SILVA: Yes, I have. I did then and  
24 I -- I have since.

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1 MR. ROTH-ROFFY: You have. Okay. Quite  
2 a -- quite a background in the marine industry.  
3 Amazing.

4 MR. SILVA: It's -- it probably sounds  
5 more extensive than it really is. Most of the -- the  
6 fleet captain job for a couple of years apiece, but  
7 the -- most of the bigger boats were a year, a year  
8 and a half, maybe two. That's a -- I can't say this  
9 on the tape, but the -- it's an interesting industry  
10 in Florida. Let's put it that way.

11 MR. ROTH-ROFFY: Okay. If you would,  
12 tell me a little about what you know of the history  
13 of the -- the Lady D mechanically, operationally last  
14 say couple of years that you've been working with it.  
15 Do you recall any specific problems?

16 MR. SILVA: The Lady D's always been a --  
17 somewhat of a preferred boat in the fleet. It's one  
18 of our smaller boats. It's also an enclosed boat.  
19 So, it's an all-weather vessel.

20 Consequently, it -- it does have a high  
21 utilization value to it. Because of that, it's --  
22 it's always been a 12-month year -- 12 month out of  
23 the year boat and it gets the -- the consequent  
24 maintenance and -- and operating time and when

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1 decisions are made in the fall as to what boat's  
2 going to go away and -- and what boat's operate, the  
3 Lady D would obviously get preferential treatment in  
4 -- in repair and refit because of using it all-year  
5 round. So, she's -- she's maintained.

6 In -- in my opinion, she's maintained in a high  
7 mechanical state not necessary a high aesthetic.  
8 We've been trying to get some carpet residue off the  
9 floor of that boat for a year and a half. I mean  
10 it's not -- it's not as high a priority as -- as  
11 keeping the boat running and keeping it safe.

12 MR. ROTH-ROFFY: Okay. Do you recall any  
13 -- any particular problems with the boat mechanically  
14 or operationally the last couple of years?

15 MR. SILVA: No. Ed's already mentioned  
16 that the -- the maintenance program since Ed became  
17 part of Seaport Taxi has been a proactive maintenance  
18 program.

19 If a boat goes down for any length of  
20 period -- any period of time, it's because parts  
21 aren't available and/or we don't have the manpower  
22 resources to get it up to anchor bay to service it.  
23 In (inaudible), that's just the way it is.

24 If the boat isn't operating in a -- in a

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1 safe and efficient manner, it doesn't go out and more  
2 often than not, that particular boat because of its  
3 high utility for us, gets fixed relatively quickly.  
4 It's not a boat we can let stand because we use it so  
5 much.

6 MR. ROTH-ROFFY: Okay. In your present  
7 job, how much interaction do you have with the -- the  
8 captains of the other boats? Do you supervise them  
9 or --

10 MR. SILVA: See -- with the exception of  
11 right now one captain who works Friday nights only, I  
12 see every single captain every single week. I see  
13 every single mate every single week and for the most  
14 part, I have words with every single captain, every  
15 single mate every single week. I make a -- I make a  
16 point of doing that. So, I'm -- a combination of --  
17 of comment, commentary or transferring operational  
18 information to them, questioning them about something  
19 I might have found on one of their reports or asking  
20 them questions about something that I found under the  
21 boat or it might be as -- it might be as -- as minute  
22 as why is the -- why is he still trashing your boat?  
23 You know, I mean it may be that conversation and it  
24 -- it may be a change in policy on -- on what of kind

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1 tickets we take or it may be a question as to their  
2 availability or extending the hours or asking to fill  
3 in for somebody.

4 But, there's -- I have a conversation  
5 with every one of them once a week.

6 MR. ROTH-ROFFY: Are some better than  
7 others or are they all --

8 MR. SILVA: Sure they are.

9 MR. ROTH-ROFFY: Okay. How would you  
10 rate the captain of the Lady D at the time of the  
11 accident? How did he fit into there? Into your --  
12 your mix?

13 MR. SILVA: Frank's a -- Frank's a  
14 competent captain at the level he's at. Frank would  
15 like to expand to large boats. I've got out with  
16 Frank on larger boats. I've talked to Frank about  
17 it. We've done some test runs on the larger boats.  
18 I don't think Frank -- number one, I don't think he's  
19 ready for the larger boats and number two, I don't  
20 think it's an appropriate placement for him.

21 He handles a small boat well. He's a  
22 good captain. He's a reliable. He's great with  
23 customers, but I -- I just don't see him going up to  
24 the biggest boats in the fleet which is what he would

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1 like to do.

2 And I've had conversations with him to  
3 that affect and he's -- you know, he's -- he's  
4 comfortable with the concept that he's doing a good  
5 job where he is and -- and why put himself in harms  
6 way to go to a -- a boat that's twice as big as what  
7 he's currently operating.

8 MR. ROTH-ROFFY: Okay. So, what -- what  
9 are his specific problems with operating the bigger  
10 boats?

11 MR. SILVA: The -- the twin -- the twin  
12 screw concept and the larger size of the boat and the  
13 -- the confusion of the bigger boats. That's my  
14 opinion of it.

15 And Frank knows exactly what to do now to  
16 get the one boat to do what he wants it to do. He's  
17 not there with the larger boats and I just frankly  
18 don't have the time to -- to dedicate the number of  
19 hours it would take to get frank to that confidence  
20 level on a bigger boat.

21 If I tell him what to do on a little  
22 single screw boat, it's done. He knows how to do it.  
23 He's done it a hundred times.

24 The same -- the same physical maneuver on

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1 a twin screw bigger boat does not get him the same  
2 results and the learning curve that it's going to  
3 take to get him to the point where he understands  
4 that is -- is just beyond our resources right now to  
5 be honest. Which is -- in -- in no way takes away  
6 from his ability to operate the boat he's on. So.

7 MR. ROTH-ROFFY: What is your  
8 understanding of the company's foul weather operating  
9 procedure? If there's bad weather, how is that  
10 communicated to the rest of the boats?

11 MR. SILVA: The protocol I use and -- and  
12 the protocol that is commonly in place whether I'm  
13 there or not -- I'll check the weather every morning  
14 before I come in and that's just something I've done  
15 for years.

16 If there's indication on the weather that  
17 there's something that could be coming through that  
18 day or any indication in the radar patterns that --  
19 that there's a potential, I'll alert Kathy or whoever  
20 else is in the office that, you know, we probably may  
21 have to -- we may have to get into a situation where  
22 we're going to look at the radar this afternoon.  
23 Depending on whether I'm on the -- on the water or  
24 whether I'm working on the boats or there's different

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1 places that I'm physically at.

2 Typically, I'll alert Kathy or whoever's  
3 in the office that I think there might be something  
4 coming that day. In the event I see it or someone  
5 else sees it, Kathy's aware that it -- that it might  
6 be happening and/or she's already checked it one or  
7 two times for her own benefit to see if there's  
8 anything out there.

9 In the event I'm on the water, I'll often  
10 call back to the office and say Kathy bring up the  
11 radar. We got something coming in from the west.  
12 I'd like to know what it looks like and she'll read  
13 it back to me and give me a sense of the speed of it  
14 and the color, you know, color notes on it.

15 All the captains understand that their  
16 first priority is the safety of their passengers and  
17 the vessel and all the captains understand they're  
18 never going to be called down by Ed or I if they  
19 prematurely put their boat to a bulkhead and the wind  
20 doesn't come or the storm doesn't come. They're not  
21 going to get chastised for that. So.

22 Typically, if I am on the water or Ed's  
23 on the water, he or I will make the call to the  
24 bulkheads. If we have advance radar information

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1 because we were anticipating something, we probably  
2 call them in early. We usually call them in before  
3 it gets to us rather than wait for it.

4 In the event we get struck with something  
5 out there, now I'm typically on the inside loop. So,  
6 if it's coming from the west to the east which  
7 primarily is -- is our direction right now, I'll make  
8 the call to put the boats in a bulkhead. Discharge  
9 your passengers. Explain to your passengers as soon  
10 as the lightning passes, the wind passes, the storm  
11 however -- whatever particular set of circumstances  
12 it is, tell your passengers we'll be resuming service  
13 and we'll be resuming service to the full extent of  
14 our -- our hours tonight. That we will not be  
15 operating until the lightning stops, the -- the  
16 visibility improves, the wind will stop, you know,  
17 whatever it is.

18 Typically, that's confirmed and when I'm  
19 out on the water, I usually ask for a role call of  
20 the boats to make sure everybody heard me and almost  
21 always there's a special effort made for the outside  
22 boats to make sure they did get the transmission.

23 So, that's -- that's pretty much it.

24 MR. NARIZZANO: I just -- I just thought

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1 of something as far as, you know, whether Kathy -- Ed  
2 Narizzano, Director. My office supervising manager,  
3 Kathy, has in her -- in her desk top on a computer  
4 the weather bug which is -- has weather alerts flash  
5 constantly. So, she fires that thing up even hours  
6 before the crews get there so that any -- any storm  
7 warnings that are on there it -- it quakes and beeps  
8 and then she goes to radar. It wouldn't surprise me  
9 if that wasn't what may have prompted her to put up  
10 the -- the (inaudible).

11 That's -- that's built into her starter  
12 program. She pushes the button to start it up it's  
13 there.

14 She also has some experience on the  
15 water. Unfortunately, she can't sit for her license.

16 She was ready to go. She had -- has a knee problem.  
17 So, she's waiting to get that corrected. So, she  
18 wants to get her ticket to, but she's very good at  
19 what -- yes, at being knowledgeable of weather  
20 conditions and all. She's a schooner girl. Just ask  
21 her.

22 MR. ROTH-ROFFY: Now, sometimes you also  
23 operate the boats, Ron?

24 MR. SILVA: It is atypical for me not to

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1 operate a boat every week. It is more typical for me  
2 to operate at least one day. In -- in this schedule,  
3 at least one day and it's not uncommon for me to  
4 operate as many as three (inaudible).

5 MR. ROTH-ROFFY: Okay. So, you -- you  
6 spend quite a bit of time on the boats as well as --

7 MR. SILVA: Oh, yes, it's built into the  
8 process. I want to be out there. I want to see what  
9 they're doing. I want to see what's going on. I  
10 want to see how the boats are being handled. I want  
11 to see what the traffic's like. I want to feel what  
12 the boat's doing and quite often, I'll flip flop on  
13 the boats.

14 The boat I prefer to drive is the eight  
15 boat, but more often than not, I'll give that to  
16 somebody else and take a boat. If somebody said, you  
17 know, the engine -- the engine sounded weird to me  
18 last night. What do you mean? It just sounded  
19 weird. So, I'll give somebody else the eight boat  
20 and I'll take the "weird" boat and see if I can  
21 figure out what -- what weirdness it is.

22 Now, and it's -- sometimes it's -- it's  
23 as stupid as a large piece of plastic hooked into the  
24 bottom of a pontoon. You know, the way you splashed

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1 it up and it's -- it's -- parts of it's hanging in  
2 the water and brrrrrr and nothing's doing anything  
3 except that I mean, but you -- you can't -- the  
4 captain couldn't tell if he heard a noise, didn't  
5 understand it, couldn't find it, reported it and it  
6 took me awhile to find it, too, that particular one.

7 But, that's -- that's typical of -- of  
8 what would happen.

9 It's also typical for -- for use to be a  
10 situation where we had x number of boats scheduled to  
11 operate on a given day and for whatever reason, the -  
12 - the customer demand is considerably higher than we  
13 expected and I'll -- I'll take a boat under even  
14 though I'm not scheduled. If there's a boat  
15 available, I'll take the boat out and again, it's --  
16 it's whatever is there. My ticket's big enough to  
17 drive anything in the fleet. So.

18 MR. ROTH-ROFFY: And you say you -- you  
19 prefer the eight boat. Why is that?

20 MR. SILVA: Well, it's beautiful.

21 MR. ROTH-ROFFY: Is it one of the bigger  
22 boats --

23 MR. SILVA: Well, it's the one -- it's  
24 the one with the twin inboard diesels.

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1 MR. ROTH-ROFFY: Okay.

2 MR. SILVA: It's prestige. No other  
3 reason. Going to be honest. It's the best looking,  
4 biggest boat in the fleet. What do you want?

5 MR. ROTH-ROFFY: And you -- you mentioned  
6 that if you saw a weather problem you would call it  
7 to the attention of the woman in the -- in the  
8 office.

9 MR. SILVA: If -- for instance, if I were  
10 coming back from Fells Point which is -- this time of  
11 the year is the most typical scenario, I'd leave  
12 people at Fells Point. I'd turnaround. I'd start  
13 back into Harbor Place. In that process, you're  
14 facing into the -- the west -- the southwest area  
15 which is where most of our heavy weather comes from  
16 this time of the year.

17 You make your turn and you -- it's very  
18 clear by the way. It's -- there's a very definitive  
19 line there also over the -- over Federal Hill. If I  
20 see something out there that doesn't look right, I'll  
21 call in to Kathy and ask her to call the radar up and  
22 see if she can identify what it is and identify the  
23 colors and the radar we use has -- we use has a time  
24 lapse bar and you can change the duration of the

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1 time. You can tell how fast it's moving through a  
2 combination of -- of spotting it and watching the  
3 time lapse.

4 So, I'll ask -- you know, I'll ask Kathy,  
5 you know, what scale have you got it on? How -- how  
6 -- how much did it move? Half the distance? You  
7 know, so I can get a feel for -- for how fast it's  
8 coming at us and I'll ask her what the color  
9 differentiations are in the band to get a sense of  
10 how severe it might be.

11 But, that's an ideal scenario. That  
12 gives us plenty of advance warning and I can give  
13 specific directions to specific boats. To whoever's  
14 in Fells Point now, I want you to leave Fells Point  
15 and continue to do your drop offs. I except that  
16 you're going to get to Science Center. Don't go to  
17 Harbor Place. Stand hard Science Center. Whoever's  
18 in Harbor Place stand hard there and, you know, you  
19 get a -- you get a little more lead time better than  
20 just having five boats push against the bulkhead with  
21 sometimes as many as 600/700 people between the ones  
22 that are waiting and the ones you got in the boat  
23 looking at you going what's going on. It gives you -  
24 - it just gives you a little more lead time to -- to

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1 create an operation scenario.

2 But, in the spring and in the summer,  
3 it's more often than not put them to the bulkheads  
4 now. Tie them down. You don't get any -- you don't  
5 get the lead. You know, just -- you know, we just  
6 get lightning all of a sudden and -- and we won't  
7 operate in -- in lightning in the area, you know, and  
8 it'll be just that fast. Wherever you are now, put  
9 it to a bulkhead and tie it down.

10 MR. ROTH-ROFFY: Who -- who in your  
11 company interfaces with the Coast Guard in terms of  
12 inspections?

13 MR. SILVA: Ed as the Director is the  
14 primary person and then myself as the secondary.

15 MR. ROTH-ROFFY: Okay. So, both of you  
16 have dealt with the Coast Guard in scheduling  
17 inspections and -- and --

18 MR. SILVA: No pun, but it's taken two of  
19 us.

20 MR. ROTH-ROFFY: And would you normally  
21 accompany the -- the Coast Guard inspector when they  
22 -- when they go through the inspection of the boat?

23 MR. SILVA: It is more typical for me to  
24 be there than not.

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1 MR. ROTH-ROFFY: Okay. And each of your  
2 boats is inspected once a year or how does that work?

3 MR. SILVA: Each of our boats has an  
4 annual which i.e. is, you know, once a year. They  
5 also have -- the vast majority of them have five year  
6 hull inspections. Every fifth year, there's a hull  
7 inspection of the vessel. I believe we have one  
8 that's three years now. The brand new one that  
9 hasn't extended to five or it just got extended to  
10 five.

11 MR. NARIZZANO: That's why I write stuff  
12 down. I don't remember.

13 MR. SILVA: Yes. Typically, they're all  
14 fives. We're not in soft water here. We're in  
15 brackish water. If we were in -- if we were in fresh  
16 water, it would be one standard. If we were in salt  
17 water, it would be another standard. We're in  
18 brackish water. So, it's -- you know, it gets played  
19 out, but the annual inspection what they call a  
20 tropsland inspection is due every year within 90 days  
21 of the certificate date and we were scheduled for  
22 five of those vessels to be inspected this week  
23 including the -- the one that brought me here.

24 MR. ROTH-ROFFY: And what about the --

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1 the five-year hull? Do you know the last time that  
2 was done on the -- on the Lady D?

3 MR. SILVA: I don't have it in front of  
4 me. We can look it up. It's -- I've got a -- I've  
5 got a master list at my desk that -- that lists the  
6 COI date, the hull date for everybody. It is not due  
7 this year I don't believe. I would have read -- find  
8 it if it was due this year. So, I'm -- I'm thinking  
9 it's not due this year.

10 MR. NARIZZANO: I'm guessing 2001.

11 MR. SILVA: Yes.

12 MR. NARIZZANO: Maybe go a little --

13 MR. SILVA: If it was built -- if it was  
14 built in '96, it would be five-year intervals. So, I  
15 mean that's -- that would be the standard procedure.

16 MR. ROTH-ROFFY: And do you recall when  
17 the last time was? I think you did say the last time  
18 was out of the water when you did the repairs on --  
19 on the stern area. Did -- did you clean the hull at  
20 that time or -- or not?

21 MR. SILVA: I was not -- and I don't know  
22 why, but I wasn't here. I may have been on vacation  
23 or it -- it may have been -- it was a section last  
24 fall where I had to make up use or lose it kind of

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1 time. So, there were three days in a row where I was  
2 off for about a month or so.

3 MR. NARIZZANO: Tom, I -- I -- I can help  
4 you there. I had that boat up there to have the  
5 boating repair done. That boat has been scheduled or  
6 was scheduled to have the bottom done paint, sinks,  
7 the whole thing. That was the pontoons. The top  
8 side would be dull green and appearance, you know, a  
9 maintenance to scrape the mussels that are on the  
10 bottom of the thing at -- they -- and I wasn't -- I  
11 didn't think it was worth doing in the late fall, you  
12 know, and knock some of them off briefly and then --

13 MR. ROTH-ROFFY: Right.

14 MR. NARIZZANO: -- we'll paint it up  
15 bright and shiny for the springtime after, you know,  
16 when the weather gets warmer. Painting cold aluminum  
17 is not good.

18 MR. ROTH-ROFFY: Right. Okay. Okay. I  
19 guess what I'd like to know is -- turn to you now is  
20 the -- the day of the accident. If you could tell me  
21 kind of what -- what you did that morning and, you  
22 know, how you -- how and when you learned of -- of  
23 the accident and how you responded.

24 MR. SILVA: Well, I laid in bed and drank

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1 a couple of cups of coffee. It may proceeded -- my  
2 day off. Saturday was my day off.

3 MR. ROTH-ROFFY: Okay.

4 MR. SILVA: Ed and I split the weekends.  
5 Ed -- Ed worked Friday/Saturday. I work  
6 Sunday/Monday. So.

7 MR. ROTH-ROFFY: I was on my boat. Heard  
8 what I thought was hail on my boat. It was either  
9 hail or heavy rain. Went up into the cockpit to --  
10 to see if I could figure out what was going on  
11 initially and typically, I'll get out on my back deck  
12 and look to see my boats -- to see if there's  
13 anything moving about. If they are, I'll got yell at  
14 them because I'm close. I'm right there.

15 I'm a beam of his room. I can see every  
16 trip he makes to Fort McHenry.

17 Anyway, when I popped my head up, one of  
18 our captains who is also a live-aboard, his wife who  
19 is also a mate of ours lived -- right now they live  
20 in the boat in front of me. All the boats are packed  
21 together for the winter and she yelled back to me.  
22 She was monitoring 71 because her husband was  
23 driving. She yelled back to me there's a problem  
24 with the one boat.

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1 I went back down below and put my VHF  
2 radio on. Called John Glenn (phonetic sp.) who was  
3 our senior captain in the water at the time.

4 I had already talked to you.

5 MR. NARIZZANO: Yes.

6 MR. SILVA: I had already talked to Ed.  
7 Ed -- I knew Ed was at Anchor Bay. I called you  
8 about something. I can't remember what it was.

9 But, anyway --

10 MR. NARIZZANO: Wanted (inaudible) paint  
11 for that --

12 MR. SILVA: That's right, too. It's hard  
13 to tell when -- I called in to tell him to bring some  
14 paint out.

15 MR. NARIZZANO: Had some skin repair on  
16 the ten boat and you needed a touch up and get  
17 striping and lettering back on.

18 MR. ROTH-ROFFY: So, you were actually  
19 working on your day off?

20 MR. SILVA: No. Anyway, Mary -- Mary  
21 yelled back there is a problem with the one boat.  
22 Went down. Got on the VHF. Called John Glenn.  
23 John, what's going on? He said I'm not sure. I  
24 understand the one boat's got a problem.

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1           Grabbed my jacket. Told John to -- as  
2 soon as he could clear his boat of passengers, he  
3 said he was clear. He had already dropped everybody  
4 off. I said come out to -- come out to Henderson to  
5 pick me up at the T-head.

6           By the time I got to the T-head, John was  
7 there. I jumped on the boat. At that point, we  
8 could begin to see the activity out by the -- the  
9 cement plant and I directed John to continue into the  
10 middle of the activity.

11           As we got closer, we could see the  
12 landing craft had -- had people with -- with  
13 floatation devices on and then we saw -- we were  
14 looking for the one boat. We didn't realize we were  
15 looking for the pontoons. Then -- then we saw the  
16 pontoons.

17           At that point, there was a police boat, a  
18 Coast Guard zodiac, a fireboat, the Navy Reserve  
19 boat, a small private crawler, all in that immediate  
20 circle.           I directed John to take a pass  
21 through the middle of the -- most of the boats were  
22 either converging or re-converging at that point.  
23 The police boat had already dropped the -- the 60-  
24 year-old lady off at -- at Korean War Memorial. He

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1 was on his way back out.

2 We went through the middle of it.  
3 Looked. Didn't see anything. Obviously, there was  
4 enough equipment in the -- in the immediate area of  
5 hull. So, there was no need for us to -- to congest  
6 the area any further.

7 I directed John to follow the debris out  
8 the river. We followed the debris, the mate, myself,  
9 and John, all three of us in a lookout capacity  
10 didn't see anything in debris field other than debris  
11 at that point. Went about a hundred yards past the  
12 debris field up to the hospital ship and then began a  
13 z-pattern search back through the debris field.

14 Got back to the scene. At -- at that  
15 point, the landing barge was gone. The large  
16 fireboat had taken the hull or they were in the  
17 process of tying the hull off to the fireboat.

18 I directed John to do another z search  
19 back out. When we got back to the hospital ship, we  
20 did a 180. Somewhere in all that confusion, I spoke  
21 with the Coast Guard about the number of passengers  
22 on board. I spoke with our port person about the  
23 number of people we left. We had on the boat.

24 I spoke to the park people about a

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1 secondary boat that I had standing by to take the  
2 remainder of the fort guests back in. Spoke to the  
3 office about getting transportation back out there  
4 since we couldn't land a boat. It was too much  
5 activity to land a boat.

6 I had three cell phones and three radios  
7 going. A lot was going on.

8 Finally, communicate with the Coast Guard  
9 to the point where they understood the total number  
10 of passengers on board the vessel and one more time  
11 went back to the end of the debris field and notified  
12 the Coast Guard that I was going to be picking up all  
13 PFDs and other floatation that could be confused for  
14 a person in the water for an aerial search.

15 So, we worked our way back in picking up  
16 all of the debris that we could find that would --  
17 could be confused as a -- a passenger.

18 Finished picking all that up. No, we get  
19 about halfway through that and a Coast Guard zodiac  
20 pulled up along side. A gentleman came into the boat  
21 and asked for the interior configuration of the Lady  
22 D because he had divers about to do in to check the  
23 inside of the boat. I gave him a rough sketch and a  
24 -- and a verbal description and sent him back to the

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1 fireboat letting him know that we were monitoring 71  
2 and 22 if they needed any additional information.

3 And I mistakenly obviously misunderstood  
4 what he said to me at that point because I  
5 specifically said to him do you want us to continue  
6 our search pattern and I thought he said no, we have  
7 them all. Now, what he may have said is we have it  
8 or we have it under control or something to that  
9 affect. I left there with the -- under the mis-  
10 impression that everybody was out of the water.

11 So, we did our final sweep and picked up  
12 the last of the float -- the last of the ship in the  
13 water and went back through the Fort McHenry area to  
14 talk to the fireboat and ask them if there was  
15 anything I could do to assist them and they said no  
16 and we -- we brought the boat in.

17 MR. ROTH-ROFFY: Did you make the count  
18 of how many PFDs that -- that you did pick up?

19 MR. SILVA: No, they were all tied  
20 together on that one line. When we came in, I  
21 instructed the mate to string all of the PFDs on a --  
22 on a line and tie them to the side of the boat so  
23 they dried out and be available for whatever and  
24 subsequent to that Ed -- Ed -- Ed tied the line

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1 together with all the PFDs on the line. So, they  
2 just recovered those.

3 MR. NARIZZANO: Yes, I was instructed to  
4 secure them and lock there the line.

5 MR. ROTH-ROFFY: Uh-hum.

6 MR. NARIZZANO: I was putting them unto  
7 the houseboat and lock --

8 MR. SILVA: Lieutenant --

9 MR. ROTH-ROFFY: Varanouski (phonetic  
10 sp.)?

11 MR. SILVA: Varanouski picked them up.  
12 He was picking them up just now.

13 MR. ROTH-ROFFY: And how many PFDs were  
14 on board the -- the vessel?

15 MR. SILVA: There were 26 adult and I  
16 believe ten or 11 child. We had just -- we had just  
17 done the -- the mate who was on the boat that day,  
18 Mike, he was assigned as a maintenance mate during  
19 that week and on Tuesday of that week, I had assigned  
20 Mike to work on that prep boat -- to prep that boat  
21 for the Coast Guard inspection.

22 Part of what I tried to do and -- and  
23 it's the same reason that Mike was on the boat on a  
24 Saturday, Mike is an incoming captain. He's got his

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1 ticket. He can operate that boat. I've been on the  
2 boat with him. I've taken him on test runs. He's  
3 capable of operating the boat. I wanted to get him  
4 as familiar with the boat as I could. Again, that  
5 was why I was assigning him to that boat as a mate to  
6 -- to maximize his exposure and OJT and as it turned  
7 out, he -- he was the -- he was the maintenance mate  
8 the day that that boat was due to get reviewed.

9           So, Mike -- Mike did under direction, I  
10 mean, he -- he pulled all the life jackets off,  
11 cleaned the life jackets. I told him what to look  
12 for, you know, as far as failure points and stress  
13 points and told him what he needed to take out and  
14 check to make sure it was here and it was there and  
15 how this should be set up, how that should be. He  
16 did all the work on that particular boat. So, he was  
17 very familiar with -- with all the safety equipment  
18 and where everything was and how everything worked  
19 before the -- before the incident because -- and by  
20 the way, that wasn't planning.

21           That was -- the fact that he got assigned  
22 to that boat on Tuesday and this happened on Saturday  
23 was happenstance. I mean there was no -- obviously  
24 no planning there. It -- it worked out that way.

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1 MR. ROTH-ROFFY: So, about what time did  
2 you first learn that -- that other mate told you  
3 about the problem on the boat? Do you recall about  
4 what time that was?

5 MR. SILVA: 1600 -- 1610. When we got on  
6 the scene, the reserve craft was finishing taking  
7 passengers on board from the -- from the hull. So,  
8 we weren't far behind.

9 MR. ROTH-ROFFY: Do you know who towed  
10 the -- the Lady D from -- from where it was -- where  
11 it eventually ended up and --

12 MR. SILVA: The Lady -- the Lady D  
13 drifted. After the Navy Reserve took the passengers  
14 off, the Lady D drifted about a hundred -- maybe a  
15 little more than a hundred yards in a southeasterly  
16 direction at which point the fireboat, I'm not sure  
17 which one, I think it was the mayor -- the A one.  
18 The big long A one.

19 MR. NARIZZANO: D'Elasandro (phonetic  
20 sp.).

21 MR. SILVA: Maybe it was D'Elasandro. Go  
22 ahead.

23 MR. NARIZZANO: D'Elasandro.

24 MR. SILVA: Well, I think it was that

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1 one, but I'm not sure which one it was. One of the  
2 two large fireboats. Put along the hip and then they  
3 towed it out into deeper water and I don't know  
4 whether they had the divers on board at that point or  
5 whether the other -- the next fireboat coming out  
6 brought the divers out, but I saw a smaller fireboat  
7 tied off to it after they had tied the hull off and  
8 gone into deeper water and then the Coast Guard  
9 Zodiac came along side to request information on the  
10 interior of the vessel.

11 At that point, Decoman (phonetic sp.) --  
12 I believe it was Decoman. Decoman or Decomen dealing  
13 in salvage came out came out. They -- it's -- it's  
14 my understanding that they, in fact, tied off to the  
15 remains of the boat and pulled it into the fire dock.

16 That it was not police or fire personnel that towed  
17 it in. I'm pretty sure it was Decoman.

18 He was the -- he was the salvage company  
19 standing by the fireboat and I understand that they  
20 towed it in.

21 The only other thing that may be of -- of  
22 -- have value to it is the -- the boat drifted.  
23 Appeared to be drifting even upside down very quickly  
24 in a southeasterly direction.

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1           In the final pass that we made through  
2 the debris field, we were taking water over the bow  
3 and up into the -- halfway up the door. So, we had a  
4 good 2½/3 foot of chop just pass the -- just pass the  
5 Fort peninsula.

6           So, it -- it didn't appear to be like  
7 that when we first got out there. It -- it appeared  
8 flatter and I'm -- I'm saying that in all sincerity.

9           It appeared. It may have been worse for all I know.

10          I think there was a -- perception wasn't there. I  
11 mean we were looking for something else, but I don't  
12 remember it being that violent when we first went  
13 out. Okay.

14           MR. ROTH-ROFFY: Regarding the -- the  
15 certificate of inspections for -- for various vessels  
16 in your fleet, the route restrictions, are you  
17 familiar with the wording on -- on how they're -- the  
18 different boats --

19           MR. SILVA: The vast majority of them  
20 have the same routing. There are some slight  
21 differences. From an operating perspective with the  
22 exception of the Eagle which is a new -- one of our  
23 newer acquisitions to the fleet, the line from the  
24 Fort dock back to the Korean War Memorial is the line

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1 that we use as the line of restriction for our boats  
2 and that -- that conforms to the (inaudible).

3 The -- the specific terminology I can't  
4 tell you off the top of my head.

5 MR. ROTH-ROFFY: Okay. You say that  
6 Korean War Memorial to?

7 MR. SILVA: The Fort dock. We don't go  
8 beyond the Fort Dock I mean other than a -- you know,  
9 a turnover.

10 MR. ROTH-ROFFY: Right.

11 MR. SILVA: That's our furthest easterly  
12 point on the south side of the river. The Korean War  
13 Memorial is our furthest easterly point on the north  
14 side of the river.

15 MR. ROTH-ROFFY: Okay. The COI route  
16 restrictions do vary and do you know the significance  
17 of that?

18 MR. SILVA: No, it -- frankly, my  
19 assumption is that it -- it's just the -- whoever  
20 typed it, that's what they looked at. They looked at  
21 the chart and said oh, it's this point here. You  
22 know, I don't think there's any rhyme.

23 My understanding is the intent is not to  
24 go back -- not to go beyond the Fort peninsula

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1 because you get into a different mortison (phonetic  
2 sp.) area and that's where it -- it comes together at  
3 the Fort McHenry peninsula. Then it opens back up  
4 into the -- the larger where the three branches of  
5 the river together and -- and it's -- it's a  
6 different body of water for all intents and purposes  
7 and my understanding is the intent is that the -- the  
8 boats should not venture into that area. You know,  
9 that that's -- that's not an operating water for us  
10 and the only time the boats are ever out there is  
11 when we're taking them back and forth to -- to  
12 service them with no passengers on board.

13 MR. ROTH-ROFFY: So, it's your  
14 understanding that even though the -- the COI wording  
15 may vary that the -- that in reality your operating  
16 restriction is that line that you observe?

17 MR. SILVA: I guess a clearer way to say  
18 it is that my understanding is that all the  
19 restrictions are inclusive in that area. That that  
20 area's inclusive in -- in all of the what the  
21 statements are.

22 I'm not saying we go there regardless of  
23 what they say. It's my understanding that is within  
24 the boundaries on the boats. Because all the boats

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1 operated from that area originally when they -- when  
2 Ron Morgan owned the fleet, that's where the fleet --  
3 the fleet left from the Tindecko (phonetic sp.) which  
4 is -- Tindecko, the Korean War Memorial stop or  
5 (inaudible).

6 So and that's -- quite honestly have I  
7 read every single COI and -- and plotted it on the  
8 chart, no, I haven't.

9 MR. ROTH-ROFFY: Okay.

10 MR. SILVA: And the Eagle -- the reason I  
11 mentioned the Eagle is I believe the Eagle has a --  
12 has a larger area. It -- it's open for a larger  
13 area.

14 MR. NARIZZANO: That includes Patapsco  
15 River, Middle Branch and I believe that's also  
16 capable of operating Middle River.

17 MR. SILVA: But even that boat is not  
18 operated beyond the -- the Fort.

19 MR. ROTH-ROFFY: Okay. I think that's  
20 about all I have for right now.

21 Commander, do you have any questions?

22  
23 LIEUTENANT COMMANDER HAMMON: Just a  
24 couple.

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1           Okay.    We talked about the captain's  
2 reports and you said that you reviewed the captain's  
3 report.  Is that --

4           MR. SILVA:  The captain's do a daily in  
5 affect log.  It -- it logs the time in -- the time in  
6 work, the time in the water, what boat they operated,  
7 what mate they had.

8           It also provides space for them to write  
9 anything on the log that they feel is appropriate.  
10 Everything from used the last -- used the last  
11 (inaudible) from the box or couldn't find a spare  
12 running bolt today, a masthead.

13          LIEUTENANT COMMANDER HAMMON:  Okay.

14          MR. SILVA:  It -- it gives them the  
15 opportunity to write anything they need to on that  
16 sheet.

17          LIEUTENANT COMMANDER HAMMON:  That's the  
18 report we discussed earlier where there were --

19          MR. SILVA:  Yes.

20          LIEUTENANT COMMANDER HAMMON:  -- were  
21 minor discreps might be included and --

22          MR. SILVA:  Um-hum.  That -- that  
23 particular form is then included with the mate's time  
24 sheet in reconciliation to their bank.  It's

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1 deposited in a safe that night. The following  
2 morning, it's removed from the safe and the -- the  
3 tickets and the cash are reconciled and the logs are  
4 imputed both to our payroll system and to the system  
5 Ed was talking about vis-a-vis the -- the disk.

6 If there is anything on the hard copy  
7 that indicates there's a problem with the boat, Kathy  
8 will make a copy of it and depending on -- on whose  
9 day it is -- if I'm out, then it obviously goes to  
10 Ed, but if I'm there, it's put in my box.

11 LIEUTENANT COMMANDER HAMMON: Okay.

12 MR. SILVA: Typically, I get there before  
13 the captains. Typically, I will go down to the boats  
14 and walk the boats and then I come back up to the  
15 office and do whatever I've got to do in the office.

16 I'll get those reports from Kathy and then I go back  
17 down.

18 But, typically, I walk the boats, make  
19 sure they're tied in properly, and make sure they  
20 don't -- for some reason, plastic bags is a never-  
21 ending battle. Make sure there's no bags in the prop  
22 and make sure an engine's not -- one's up and one's  
23 down which indicated there might be a problem. Check  
24 the ladders. Make sure nothing's broken and -- and

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1 quite frankly, walking the boats to see how clean  
2 they are because when the mates come in and the boat  
3 they were on last night is dirty, they're going to --  
4 they're going to know it.

5 LIEUTENANT COMMANDER HAMMON: We talked  
6 about Frank at one point and you had indicated that  
7 he's not ready for the bigger boats.

8 MR. SILVA: Yes.

9 LIEUTENANT COMMANDER HAMMON: Is that  
10 mainly because he's just a weekend captain and he  
11 just doesn't have time, the experience in?

12 MR. ROTH-ROFFY: Let's go ahead and pause  
13 this tape.

14 (Whereupon, off the record.)

15 MR. ROTH-ROFFY: Okay. We -- we're back  
16 on -- on the record now. We paused there for a  
17 couple of minutes. Here we go.

18 MR. SILVA: A considerable -- a lot of it  
19 has to do with the expense of training and -- and to  
20 be as candid as I can --

21 (Whereupon, off the record.)

22 MR. ROTH-ROFFY: Okay. We're back on the  
23 record.

24 MR. SILVA: It -- it's a combination of

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1 factors. Some of them less altruistic than I'd like  
2 to admit, but he operates the boat well. He does a  
3 good job where he is. Taking a boat out of service,  
4 train him, it's expensive to me and at this point of  
5 the year, I need them when he's available, i.e., the  
6 weekends and the dividend for me right now isn't  
7 really there. I mean I -- I don't gain anything. I  
8 have plenty of captains to drive the other boats.  
9 Frank drives this boat good. Does a good job. Why -  
10 - you know, why take another boat out of service and  
11 -- and pay two captains to do nothing.

12 I'm sorry. It's -- it may sound a little  
13 altruistic, but that's -- that's kind of the bottom  
14 line.

15 LIEUTENANT COMMANDER HAMMON: Okay.

16 MR. SILVA: It's nothing against Frank.  
17 Frank's a nice guy. It's just I've got captains that  
18 can run the other boats. I don't -- I don't need  
19 Frank to run those boats.

20 LIEUTENANT COMMANDER HAMMON: Okay.

21 MR. SILVA: Don't tell him I said that.

22 LIEUTENANT COMMANDER HAMMON: No. In  
23 talking about the weather and how observations are  
24 made and contact is made with the -- with the

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1 captains, it sounds like you have a system in place  
2 where the weather's checked in the morning. You  
3 folks lay it out on the floor and if you notice  
4 something strange, you'll call into Kathy. She might  
5 issue the thing.

6 Sounds like there's a process in place.  
7 I'm just wondering what happened Saturday in your  
8 opinion to why -- what information was not  
9 transported or transmitted earlier.

10 MR. SILVA: Well, three things happened  
11 that I know of. One was no weather. NOAA didn't  
12 call a weather alert. So, there would have been no  
13 weather alert for Kathy to pick up on early. The  
14 weather forecast in the morning had no -- there was  
15 no indication of anything like that as a possibility  
16 that I'm aware of and third, it came through so fast.

17 LIEUTENANT COMMANDER HAMMON: Um-hum.

18 MR. SILVA: And the system -- the system  
19 worked. It just came through so fast that by the  
20 time the system got -- got into gear, it was on us  
21 and John Glenn did what he should have done. He's  
22 the senior man on the water. He called the alert.  
23 He sent the boats to the bulkhead. He specifically  
24 confirmed with the one boat that they received a

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1 message.

2 Kathy called up to fleet. I don't know -  
3 - I don't know the details of that, but I have  
4 confirmed with captains that they all got that  
5 message from John.

6 I did that independently by the way. I  
7 pulled them aside and asked them what they heard.  
8 Slightly different, but they were the same -- same  
9 radio transmission, but slightly interpretation of  
10 it.

11 So, the system --

12 MR. ROTH-ROFFY: Okay. We'll pause once  
13 again.

14 (Whereupon, off the record.)

15 MR. ROTH-ROFFY: Okay. We're back on the  
16 record.

17 MR. SILVA: I guess I feel that the --  
18 there wasn't -- it wasn't a failure of the intent of  
19 our system. It was a combination of -- of unusual  
20 and -- and foreseen conditions that fell altogether  
21 and I guess I'd like to point it a little bit in the  
22 other direction and say of the five boats we had out  
23 that day, four of them clearly get the message and  
24 get to the bulkheads. Frank was the only one that

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1 was -- that -- that was exposed, but he did, in fact,  
2 get the message. He did, in fact, hear Kathy call  
3 and he had no forewarning.

4 The mate, Mike, I don't know -- I don't  
5 know. You were at the -- the interview with Mike.

6 LIEUTENANT COMMANDER HAMMON: Yes.

7 MR. SILVA: Mike had a handheld  
8 anemometer around his neck and one of the things he  
9 was doing he was trying to get a feel for what it  
10 felt like on the boat at certain wind speeds. That's  
11 why he had it with him and he clocked, what did he  
12 say, 13 knots --

13 LIEUTENANT COMMANDER HAMMON: Right.

14 MR. SILVA: -- before they left the dock.

15 So, they had no reason to suspect that anything was  
16 going to be weird. It wasn't like -- it wasn't like  
17 it was blowing like hades out there and they pulled  
18 out into it. I mean they -- they were under the --  
19 they were under the confirmed opinion that it was  
20 just going to be another run back and all hell broke  
21 loose and -- and they just didn't have -- they had no  
22 warning and by the time they got the warnings, they  
23 were already out there in -- in the middle of  
24 whatever the hell it was.

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1           The other thing I wanted to stress on  
2           that is all the captains are told again that, you  
3           know, if -- if they make a call that the weather is  
4           dicey and they put their boat to a bulkhead or they  
5           call the office and say look it's getting a little --  
6           you know, it's getting a little snotty out here for  
7           this boat, we don't question them. I mean it's the  
8           captain's -- it's the captain's license. It's the  
9           captain's call and he's responsible for the safety of  
10          himself and his passengers and they know that.

11                 If somebody tells me, you know, I'm not  
12          feeling that good about the -- the chop out here  
13          right, I'll make a call whether I can use that boat  
14          inside or -- or whether I have to put the boat away  
15          and I try not to put the boat away because I don't  
16          want it to look like they're being penalized for it.  
17          I try to use it in the -- in the inner harbor if I  
18          can.

19                 Reason for that is because we want to  
20          maintain that initiative. We don't want them to feel  
21          like they got to wait for the office to tell them to  
22          -- to shut it off or -- or to get out of harm's way.

23                 Ed and I both feel strongly. That's a  
24          much safer way to run the fleet and if you write

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1 everything down and say you've got to do this, this,  
2 this, this, and this which at one point we did do by  
3 the way, it -- it doesn't give them the latitude they  
4 should have as licensed captains to make the  
5 decisions they need to make.

6 And we do support it. I mean we support  
7 it with the best information we can give them, but we  
8 still want it to -- we want it to reside with the  
9 captain who's right there to make the right call and  
10 to support it when they make the call. So.

11 I -- I don't know if that answers  
12 everything you asked.

13 LIEUTENANT COMMANDER HAMMON: Sure. Can  
14 you remember a time that Frank had made that call  
15 that says I'm putting -- putting my boat to the  
16 bulkhead due to weather?

17 MR. SILVA: I -- I can think of a couple  
18 of occasions in the past year or so where Frank has -  
19 - has suggested that we need a larger boat out at the  
20 Fort or -- or we need to move a boat to the -- to the  
21 inside loop or something like that.

22 LIEUTENANT COMMANDER HAMMON: Due to  
23 weather conditions?

24 MR. SILVA: Weather, number of people out

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1 at the -- number of people at the Fort. The  
2 particular direction of the wind, for instance.  
3 There are certain wind directions that are -- that  
4 are less favorable out there and they created a cross  
5 draft and stuff. Where -- where he's identified that  
6 he -- he wasn't as comfortable as he ought to be with  
7 it and he just moved (inaudible).

8 That wasn't this -- that wasn't the  
9 circumstances that day and they -- they were fat,  
10 dumb, and happy out there because the weather was  
11 good.

12 LIEUTENANT COMMANDER HAMMON: All right.  
13 At the time the storm blew through, you were on your  
14 vessel you said?

15 MR. SILVA: I was on my --

16 LIEUTENANT COMMANDER HAMMON: Your own  
17 personal vessel?

18 MR. SILVA: Yes.

19 LIEUTENANT COMMANDER HAMMON: Where was  
20 that located again? Is that --

21 MR. SILVA: Henderson's Mine.

22 LIEUTENANT COMMANDER HAMMON: Henderson.  
23 You got that map. That's right.

24 MR. SILVA: Here's Fells Point.

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1                   LIEUTENANT COMMANDER HAMMON:   Okay.

2                   MR. SILVA:   Here's Fort McHenry.   I live  
3 right there.   The marina isn't on the map.   The  
4 marina -- that's the -- that big one there.

5                   LIEUTENANT COMMANDER HAMMON:   Where it  
6 says Henderson's Walk?   Okay.

7                   MR. SILVA:   This extends out to -- BMC  
8 goes this way.   Henderson's come this way and I live  
9 right there.

10                  LIEUTENANT COMMANDER HAMMON:   And how  
11 would you describe the weather at that time?

12                  MR. SILVA:   Well, I -- I came up out of  
13 my boat.   You know, I was below.   I came up because  
14 of the (inaudible) and the screaming and I was heard  
15 -- the boat -- the boat was being pelted by  
16 something.

17                  LIEUTENANT COMMANDER HAMMON:   Um-hum.

18                  MR. SILVA:   I wasn't sure whether it was  
19 heavy raindrops or -- or hail or what.   So, yes, I  
20 mean it was severe enough so it got my attention and  
21 from what I can tell from the time frame, that was  
22 probably five minutes or less before -- before Frank  
23 went over.

24                  LIEUTENANT COMMANDER HAMMON:   What was

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1 the duration of the -- the weather blowing through  
2 that you can remember?

3 MR. SILVA: There were two parts to it  
4 the way I remember it and I may be wrong. I mean a  
5 lot of things happened real quick in that -- that  
6 condensed area.

7 The initial -- the really severe stuff  
8 lasted maybe 20 minutes.

9 LIEUTENANT COMMANDER HAMMON: Um-hum.

10 MR. SILVA: Because when I boarded the  
11 ten boat, John was able to bow into my marina  
12 successfully without -- without really have to  
13 corkscrew it in or -- or twist a corner off or  
14 anything. He came in pretty clean.

15 LIEUTENANT COMMANDER HAMMON: Um-hum.

16 MR. SILVA: And in the wind conditions  
17 that I've heard described, John wouldn't have been  
18 able to do that because he would have (inaudible).  
19 So, in -- in my opinion, between -- between the time  
20 I came up and the time John got there, there was a  
21 significant reduction in the wind speed and by the  
22 time we got back because I had him drop me back off  
23 at the dock so I could put some clothes on, I just  
24 came up in a t-shirt, he had -- he had trouble

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1 getting on. He had to come on over one corner and  
2 then roll it in. The wind -- the wind had picked up  
3 again.

4 It's -- again, it seemed calm when we  
5 were out there trying -- trying to recover people,  
6 relatively calm compared to the two extremes on the  
7 agenda.

8 LIEUTENANT COMMANDER HAMMON: Where was -  
9 -

10 MR. SILVA: And it didn't last long. It  
11 really didn't. Twenty minutes/half an hour at the  
12 most. I don't even think it lasted that long. The -  
13 - the initial nasty conditions.

14 LIEUTENANT COMMANDER HAMMON: Where was  
15 John at when he made that call to the other captains?  
16 Do you know?

17 MR. SILVA: I don't have it with me, but  
18 I have -- I had him write it down. I had the mate  
19 write down. I believe he was at -- I'm pretty sure  
20 he was at the oldest house of the allied rock area on  
21 his way back into Harbor Place about a third of the  
22 way from Fells Point, but I'm not sure. He was in  
23 that vicinity, but I'm not -- I'm not sure which  
24 direction he was going.

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1                   LIEUTENANT COMMANDER HAMMON: About where  
2 do you think?

3                   MR. SILVA: Right in here I believe.  
4 Yes. Pretty sure. Again I -- I've got that back in  
5 the office. I -- I have a -- I have not reviewed it  
6 yet, but I asked for it and I was told that -- that  
7 it was turned in. I believe he was right in this  
8 vicinity right here.

9                   Unfortunately, this -- this map chart can  
10 confuse you a little bit because the scale on this  
11 side is -- is really marked down.

12                  LIEUTENANT COMMANDER HAMMON: Really  
13 stretched.

14                  MR. SILVA: Right.

15                  LIEUTENANT COMMANDER HAMMON: It's not --

16                  MR. SILVA: This scale here is -- is  
17 pretty good, but this side is -- is really bad.

18                  LIEUTENANT COMMANDER HAMMON: There's one  
19 up on the bridge. Can we grab that real quick?  
20 Hopefully be helpful.

21                  MR. ROTH-ROFFY: Okay. Let's -- let's  
22 take a break.

23                  MR. SILVA: John -- John would have been  
24 heading in I believe and that was the direction it

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1 came from.

2 LIEUTENANT COMMANDER HAMMON: Okay.

3 MR. SILVA: But, I'm -- we'd have -- we'd  
4 have to review what he -- what he turned in because  
5 I'm not --

6 MR. ROTH-ROFFY: Okay. Let's just take a  
7 quick break to get that chart.

8 (Whereupon, off the record.)

9 MR. ROTH-ROFFY: Okay. We're back on the  
10 record. We're looking at a chart. Do we have a  
11 number on that chart? 12281 is the chart number of  
12 the inner-harbor.

13 MR. SILVA: I believe they -- they were  
14 somewhere in this vicinity right here. He -- I'm  
15 guessing. We can get the hard paperwork back at the  
16 office. This is the normal route that he had talked  
17 about as far as the return. All right.

18 LIEUTENANT COMMANDER HAMMON: Okay.

19 MR. SILVA: So, J -- I believe JG was in  
20 this -- in this loop. There is a possibility that he  
21 could have been in this mode, but he was in this  
22 general area. I'm not sure which -- which is the  
23 traverse area.

24 LIEUTENANT COMMANDER HAMMON: So, he --

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1 he departed Fells Point and -- and was --

2 MR. SILVA: I'm not sure at this point --

3 LIEUTENANT COMMANDER HAMMON: The  
4 direction that he was going in?

5 MR. SILVA: Yes, but I'm -- I'm almost  
6 positive from the verbal description I got from him  
7 that this was where they were when he got -- when  
8 they made that initial call.

9 LIEUTENANT COMMANDER HAMMON: That's --  
10 that's between Fells Point and --

11 MR. SILVA: PS7, the first stop. Yes.

12 LIEUTENANT COMMANDER HAMMON: Okay.

13 MR. SILVA: This is Henderson's Marina.  
14 This configuration right here.

15 LIEUTENANT COMMANDER HAMMON: That's  
16 where you were?

17 MR. SILVA: That's where I am. This is a  
18 little better representation of Fort McHenry. This  
19 is the Fort McHenry dock I believe. Right there.

20 MR. NARIZZANO: This is the neighboring -  
21 - these areas. It's right there I think this --

22 LIEUTENANT COMMANDER HAMMON: The last  
23 one?

24 MR. NARIZZANO: Right by the floor is the

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1 Fort dock. This one right here by whatever that name  
2 is. The (inaudible). That's the fireboat dock. So,  
3 we would have been leaving from here.

4 MR. SILVA: This is the Tindecko Korean  
5 War Memorial right there. This little notch right  
6 there.

7 LIEUTENANT COMMANDER HAMMON: And that's  
8 the (inaudible) that you observed was --

9 MR. SILVA: Operating right here. Yes, I  
10 believe it -- you reference one of these buoys. One  
11 of these two buoys and/or the lighthouse that's here.  
12 Reference on our COS.

13 MR. NARIZZANO: (Inaudible) Point Light  
14 is right here.

15 MR. SILVA: Yes, so here to here is the  
16 furthest it could be construed as.

17 MR. NARIZZANO: Well, that's -- that's  
18 some -- this -- this one I believe says -- I think it  
19 says Tindecko and it's -- it's a -- it's a hard  
20 point.

21 LIEUTENANT COMMANDER HAMMON: Tindecko --

22 MR. NARIZZANO: Tindecko is an area where  
23 the Tindecko factory was now.

24 LIEUTENANT COMMANDER HAMMON: Um-hum.

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1 MR. NARIZZANO: I don't know which one  
2 you'd pick. It's -- it's a really strange point, but  
3 the line of -- is -- is right in here and --

4 LIEUTENANT COMMANDER HAMMON: To the Fort  
5 peninsula?

6 MR. NARIZZANO: To -- to Locust Point.

7 LIEUTENANT COMMANDER HAMMON: Locust  
8 Point. Okay.

9 MR. NARIZZANO: So, I don't know -- so,  
10 the other -- my boat Raven this was a clone of it was  
11 Lazarato (phonetic sp.) Point right which is  
12 (inaudible).

13 LIEUTENANT COMMANDER HAMMON: Lazarato  
14 Point.

15 MR. NARIZZANO: It's probably not marked  
16 because it's not an active light -- light has do --  
17 it was -- I believe it's somewhere right -- I think  
18 Lazarato Point's (inaudible). It's a little white  
19 light. You know where -- you know where it is. To  
20 Fort McHenry. So, it was right there. This --

21 LIEUTENANT COMMANDER HAMMON: So, if it  
22 say Tindecko to Locust Point, you're --

23 MR. SILVA: I'm looking at it.

24 LIEUTENANT COMMANDER HAMMON: --

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1 interpreted it as here not here where it says Locust  
2 Point. Here. So, you wouldn't draw a line.

3 MR. NARIZZANO: No.

4 MR. SILVA: Well, I'm -- I'd be positive  
5 that that wasn't the intent because these boats --  
6 when we purchased these boats, they were moored here.

7 LIEUTENANT COMMANDER HAMMON: Okay.

8 MR. SILVA: So, having a COI that  
9 identified this as the furthest easterly point would  
10 be a bit ludicrous. So, my guess is that -- and --  
11 and again, my operating -- I've looked at them, but I  
12 never -- you know what I mean? I -- I just took this  
13 as my line of demarkation.

14 LIEUTENANT COMMANDER HAMMON: Um-hum.

15 MR. SILVA: And all the references that I  
16 saw were -- as far as I was concerned were -- were  
17 within that. Again, based on knowledge that this is  
18 where the boats were -- were docked before we bought  
19 them.

20 LIEUTENANT COMMANDER HAMMON: Okay.

21 MR. SILVA: And the COI was just a  
22 continuation of what was on them when we got them.  
23 So, that would -- that's where my reference came  
24 from.

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1                   LIEUTENANT COMMANDER HAMMON:   Okay.

2                   MR. SILVA:   I know I didn't go over them  
3           I think and specifically look at each one of them  
4           and -- and maybe look at a chart and see which -- we  
5           got charts down in the boats -- on our boats as well.  
6           Probably this version.

7                   LIEUTENANT COMMANDER HAMMON:   Okay.   Do  
8           you know where John Glenn put up against the bulkhead  
9           when he got the word out to the other captains?

10                  MR. SILVA:   That's why I'm not sure  
11           whether he's coming in or he was coming out and the  
12           mate was behind him and saw the configuration.  
13           Because he came to get me obviously pretty quick.

14                  LIEUTENANT COMMANDER HAMMON:   Um-hum.

15                  MR. SILVA:   And he had an empty boat at  
16           that point.   So, either he already -- either he had  
17           an empty boat on his way back in which is common and  
18           you drop all your passengers off.   He was coming in  
19           empty and that's when I got a hold of him and then he  
20           came out to get me or he had -- he had locked into  
21           this pier.

22                  LIEUTENANT COMMANDER HAMMON:   Right.

23                  MR. SILVA:   Discharged his passengers.  
24           When I called -- called him and told him to come and

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1 get me, he just spun out of Fells Point and came  
2 over. That's what I'm not sure about.

3 LIEUTENANT COMMANDER HAMMON: Okay. When  
4 you asked him to come and get you, the storm was  
5 pretty much -- (inaudible) had passed at that point?

6 MR. SILVA: The boat was already over at  
7 that point. So, the -- the worse of that was over.  
8 Yes.

9 LIEUTENANT COMMANDER HAMMON: Okay.

10 MR. SILVA: Like I said, John was able to  
11 -- John was able to two-point land in my dock.

12 LIEUTENANT COMMANDER HAMMON: Um-hum.

13 MR. SILVA: So, which he couldn't do on  
14 the way back in. On the way back in, he had to put a  
15 corner on and roll it.

16 It was relatively calm when he picked me  
17 up. It was a fairly short period of time after the  
18 accident. You know, minutes not -- not hours.  
19 Minutes after the accident.

20 LIEUTENANT COMMANDER HAMMON: You had  
21 mentioned before that one of the other live aboard  
22 at the marina you're staying at --

23 MR. SILVA: Um-hum.

24 LIEUTENANT COMMANDER HAMMON: -- said to

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1 you that number one boat has a problem.

2 MR. SILVA: Yes.

3 LIEUTENANT COMMANDER HAMMON: Do you  
4 remember what time that was?

5 MR. SILVA: I think it was like 1605 --  
6 1610. I wasn't really watching a clock. I'm basing  
7 that time reference on other time references I've  
8 heard from like the Naval Reserve guys and the fire  
9 guys who I'm assuming had more accurate logs as far  
10 as the time was concerned.

11 I was on the scene when Navy Reserve boat  
12 was still taking passengers out of the water.

13 LIEUTENANT COMMANDER HAMMON: Okay.

14 MR. SILVA: So, that's -- that's what I'm  
15 -- if it was -- it was roughly 1605/1610 when I left  
16 here. It was about ten minutes later. So, it would  
17 have 1615/1620 when we got on the scene which is  
18 about -- because they were discharging passengers  
19 from that -- from the Navy Reserve boat by about 1630  
20 from what I understand.

21 LIEUTENANT COMMANDER HAMMON: How long  
22 after you started to experience significant weather  
23 on your boat until the time your neighbor said the  
24 number one boat as a problem would you estimate?

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1 MR. SILVA: Less than five minutes. Less  
2 than five.

3 LIEUTENANT COMMANDER HAMMON: So, the  
4 weather came through --

5 MR. SILVA: The weather hit the boat. I  
6 went up into the cockpit to check it. When I came up  
7 into the cockpit, I believe she may have been coming  
8 to get me.

9 LIEUTENANT COMMANDER HAMMON: Um-hum.

10 MR. SILVA: She's in the boat directly in  
11 front of me. When she saw me come up in the cockpit  
12 she yelled back to me there's a problem on the one  
13 boat.

14 LIEUTENANT COMMANDER HAMMON: And how did  
15 she know about that again?

16 MR. SILVA: Her husband was operating one  
17 of the other boats in the fleet.

18 LIEUTENANT COMMANDER HAMMON: Okay. She  
19 has --

20 MR. SILVA: And she was on channel 71.  
21 She was monitoring channel 71 and that's how she  
22 heard about it. I was not monitoring 71.

23 LIEUTENANT COMMANDER HAMMON: Okay.

24 MR. SILVA: Ed had already yelled at me.

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1       So, I had turned the radio off. Ed told me it was  
2 my day off to stop bothering him with the questions.

3               I'm piecing the time line together based  
4 on -- on the -- the Naval Reserve and the fire  
5 reports.

6               LIEUTENANT   COMMANDER   HAMMON:       You  
7 mentioned once you got in the boat with John, you got  
8 on the scene and circled around and then after you  
9 were told or released from the scene you went and  
10 looked for debris.

11              MR. SILVA:   No, we did that first.

12              LIEUTENANT   COMMANDER   HAMMON:    You did  
13 that first.   What was the furthest point for you  
14 finding debris? How far out --

15              MR. SILVA:   The hospital ship -- I think  
16 the hospital ships here. Isn't that it?

17              MR. NARIZZANO:   I think so.   I'm not  
18 sure.

19              MR. SILVA:    I think it's here.   It's  
20 either here or --

21              MR. NARIZZANO:   Yes, it might be --

22              MR. SILVA:    I think it's here.

23              LIEUTENANT   COMMANDER   HAMMON:    I think  
24 it's that one.

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1 MR. SILVA: Yes. We found debris to  
2 about here. Actually, the last piece of debris we  
3 found was not debris. It was an orange barrel. We  
4 thought it was debris, but it was an orange street  
5 barrel.

6 From that point, we went out to just  
7 before the hospital ship, did a 180, and started a z  
8 search with the -- the captain, myself, and the mate  
9 doing a -- a water search --

10 LIEUTENANT COMMANDER HAMMON: Um-hum.

11 MR. SILVA: -- through the debris field.  
12 From here, we came back out and made a -- a search  
13 back through here. The Coast Guard zodiac caught up  
14 to us about here. I think we're pretty much right  
15 off the -- maybe a little inside the buoy and we had  
16 begin to pick up -- pick up some of the debris as we  
17 got this close. That's when he questioned us about  
18 the -- the interior configuration on the vessel.

19 LIEUTENANT COMMANDER HAMMON: Okay.

20 MR. SILVA: And indicated that everything  
21 was clear and that we -- we were free to leave the  
22 zone and then we picked up the rest of the debris and  
23 went in.

24 LIEUTENANT COMMANDER HAMMON: Did you

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1 happen to notice what time it was when you were down  
2 here to -- for this part of the debris?

3 MR. SILVA: I can give you -- I mean an  
4 educated guess would be no later than quarter to five  
5 -- 1645. Because once we started the -- the  
6 collection of boats which was very intense around the  
7 hull and there -- there literally wasn't much more  
8 room beyond us traversing through it just to make  
9 sure there was nobody else in the immediate area.

10 My next thought was to get as far down  
11 wind as I could and then z pattern my way back  
12 through the debris field to see any of that had been  
13 -- had been swept away at the scene and it wasn't  
14 long. We didn't -- we didn't hang around. We just -  
15 - we went through the -- through the -- through the  
16 area where the boat was and then -- and then very  
17 quickly went down -- down -- down wind at the marina.

18 LIEUTENANT COMMANDER HAMMON: From your  
19 position on your boat when the storm was going  
20 through, what direction was the wind going?

21 MR. SILVA: I believed it was a -- a  
22 northwesterly/westerly direction based on -- on my  
23 boat -- the direction -- my boat was scaling to port  
24 and bow east. My boat was (inaudible) hard to port

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1 and all my lines were rocking like hell which  
2 typically indicates it's a stern -- just for the  
3 (inaudible) stern when it goes that -- which is the  
4 typical wind pattern this time of year. So. So, I'm  
5 guessing it was kind of like here. Through this  
6 right here. From here to here.

7 When we came back in later on, that was  
8 the direction of the wind when we came back in and it  
9 had picked up quite a bit and again, it -- it was not  
10 -- the wind was not that severe when we went out.  
11 When we left my dock, it was not. I'm guessing no  
12 more than 15 or 20. Higher than that when we came  
13 back in though.

14 LIEUTENANT COMMANDER HAMMON: That's all  
15 the follow-on questions I have.

16 MR. ROTH-ROFFY: Okay. Tom ROTH-ROFFY  
17 back again. Just a couple more.

18 Could you give us the name of the -- of  
19 the -- the individual that first notified you that --  
20 of the problem with the one boat?

21 MR. SILVA: Mary Hine (phonetic sp.).  
22 She's on the list that Graham (phonetic sp.) had.

23 MR. ROTH-ROFFY: Okay.

24 MR. SILVA: She's on that mate list.

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1 George Hine's wife. Somewhere in there I called you.

2 I talked to you on the phone. I guess I may have  
3 talked to Kathy and she was talking to you on the  
4 phone.

5 MR. ROTH-ROFFY: Yes, she called me.

6 MR. SILVA: Yes, because Kathy called me  
7 and asked if there was any reason. If -- if I wanted  
8 you to come down there and get picked up off a  
9 bulkhead. Right. (Inaudible).

10 MR. ROTH-ROFFY: Right. So, when you  
11 first arrived at the scene of the accident, what I'd  
12 like you to do is -- is -- is verbalize what you were  
13 kind of pointing to on the -- on the chart because  
14 it's going to -- it's going come to -- to -- to  
15 really go back. So, referring to landmarks or  
16 whatever, if you could just vocalize that.

17 MR. SILVA: We came out the west channel  
18 from the Henderson's Marina which would be identified  
19 at the tip of Fells Point just north of the ST and  
20 the northwest channel.

21 MR. ROTH-ROFFY: Okay. Again, we're  
22 referring to charter 12281.

23 MR. SILVA: For the most part, followed  
24 the west channel out. As we came a beam of the Naval

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1 Reserve Center and the old grain elevator at the  
2 Locust Yards, we began to be able to identify the  
3 scene of the incident through the location of -- of  
4 the Navy Reserve boat and a couple of minutes, we  
5 were able to identify the upturned boat itself and  
6 the passengers on board the Navy vessel.

7 MR. ROTH-ROFFY: About what location was  
8 that on the chart if you can recall?

9 MR. SILVA: It would have been probably  
10 100 yards to 150 yards in a -- a northwesterly  
11 direction from G7 on this chart.

12 MR. ROTH-ROFFY: Okay. G7 is the -- a  
13 buoy marking the channel?

14 MR. SILVA: Um-hum.

15 MR. ROTH-ROFFY: Okay.

16 MR. SILVA: We proceeded in the direction  
17 of the -- of the obvious rescue. At that point, the  
18 vessels involved in the rescue were in the -- between  
19 the two cable and pipeline areas marked on the chart,  
20 between G5 and G3 off of Lazarato Point.

21 For the most part, they were right here.

22 There's too many 38 water decks to -- to use that as  
23 an identified, but that's where the boats were.

24 MR. ROTH-ROFFY: Maybe you could say off

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1 -- off to the west of the Cole (phonetic sp.) Pier  
2 possibly.

3 MR. SILVA: Yes, I guess the -- yes, it  
4 would be to the west of the 25 foot area on the  
5 chart. Right. That's the only 25 foot area right  
6 there. Right about here.

7 Proceeded through that area and  
8 determined that there were no other people in the  
9 water at that time and that there was an adequate  
10 number of boats recovering those that -- if there  
11 were more, there was an adequate number of boats to  
12 pick them up.

13 We proceed from there out the main  
14 channel to our 2NH and began to track the debris  
15 field out towards the hospital ship, the Comfort,  
16 located in the -- appears on the northern side of the  
17 channel adjacent to marker GC5.

18 From there, maintained a zigzag pattern  
19 from there back to our 2NH. Repeated that a second  
20 time with a wider sweep and on the remain -- the --  
21 the next trip in, began to pick up the -- the debris  
22 so it wouldn't be misidentified and somewhere in the  
23 vicinity of 2NH, I believe it was probably slightly  
24 north and west of 2NH, the Coast Guard zodiac came

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1 along side and asked for interior dimensions on the  
2 vessel and I believe that rest of them would have  
3 been right here in the (inaudible).

4 MR. ROTH-ROFFY: You're indicating on the  
5 chart to what area? Just off of Lazarato Point?

6 MR. SILVA: Just almost directly off of  
7 Lazarato Point and approximately the 44-foot mark.

8 MR. ROTH-ROFFY: When you did your z  
9 pattern search to the southeast of the -- where the  
10 recovery was taking place, were there any other boats  
11 actively searching for --

12 MR. SILVA: No, that's (inaudible).  
13 There was no one else in the debris field at that  
14 time.

15 MR. ROTH-ROFFY: And you on your own  
16 decided to -- to do that search pattern down there?

17 MR. SILVA: Um-hum. Couldn't get the  
18 Coast Guard. I'm not slamming the Coast Guard. We  
19 couldn't raise them on 22.

20 MR. ROTH-ROFFY: You tried --

21 MR. SILVA: I called them on 22 to  
22 identify the vessel, telling them we were scene to  
23 assist and I couldn't get anybody. I mean there was  
24 a lot of confusion obviously.

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1 MR. ROTH-ROFFY: You called -- could you  
2 describe why you couldn't get them? There's a lot of  
3 confusion, a lot of traffic and they just didn't hear  
4 you or -- or you couldn't get -- get out? Your  
5 communication was not transmitted or --

6 MR. SILVA: I'm not sure. I don't know.

7 MR. ROTH-ROFFY: But, there was a lot of  
8 -- of radio activity?

9 MR. SILVA: Yes.

10 MR. ROTH-ROFFY: Okay.

11 MR. SILVA: At probably ten minutes  
12 later, yes, maybe ten minutes later when I was out  
13 here coming back. I had already called my Fort  
14 people and identified the number of passengers on  
15 board and cross confirmed it. So, I -- I knew what I  
16 was talking about. I again called 22 and I don't  
17 think I got a boat. I think I got either group or --  
18 or -- actually who I got, but it didn't sound like a  
19 boat.

20 Because when I did talk to the boats, the  
21 boat background noise was there. There wasn't any  
22 background noise. So, it's probably on the  
23 recording.

24 I was able to raise the Coast Guard and

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1 identified myself and gave them the information vis-  
2 a-vis how many passengers there were on board the  
3 vessel. I'm not sure if I identified the intended  
4 route of the vessel or not. Just I do know that I  
5 identified the number of passengers on board and I  
6 know I repeatedly asked for a count and I wasn't able  
7 to get one.

8 So, when the guys came aboard, that  
9 probably is what promoted me to believe they were  
10 telling me they got them all.

11 From there on, I did have communication  
12 with the Coast Guard. Both -- both whoever was in  
13 the office space and the zodiacs -- the zodiac.

14 MR. ROTH-ROFFY: When you came down to  
15 the south, are you fairly certain you got to the very  
16 end of the debris field?

17 MR. SILVA: Absolutely positive.

18 MR. ROTH-ROFFY: Okay.

19 MR. SILVA: I went well beyond it.

20 MR. ROTH-ROFFY: Well beyond it and then  
21 you reversed course and -- and went through the  
22 debris field.

23 MR. SILVA: A hundred to 150 yards beyond  
24 it before I did the 180.

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1 MR. ROTH-ROFFY: And about how long would  
2 you say that debris field was the extent of it from -  
3 -

4 MR. SILVA: Well, this was not the end of  
5 the debris field. This was the end of what we  
6 considered to be the debris field.

7 MR. ROTH-ROFFY: Could you describe that?  
8 What you're pointing --

9 MR. SILVA: That was the -- that's where  
10 that -- that street barrel was. At that buoy there.

11 MR. ROTH-ROFFY: Which buoy is that?

12 MR. SILVA: R18.

13 MR. ROTH-ROFFY: That's --

14 MR. SILVA: The debris -- on our first  
15 pass, the debris was primarily located around RH --  
16 R2NH. Then that buoy was -- would have been the  
17 shore side of that. Probably 100 yards on either  
18 side of it when we first passed through it. The last  
19 item we identified through the orange color was at  
20 approximately at R18 and when we got that far, we  
21 identified it as an orange street barrel,  
22 construction- type street barrel.

23 We proceeded further. Made our 180  
24 degree turn which would have put us right about in

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1 here and then we began our zigzag pattern back.

2 MR. ROTH-ROFFY: Again, will you please.

3 If you could vocalize that.

4 MR. SILVA: Okay. C3 in 2 -- RN2 and in  
5 C -- GC3. That was the area where we made our -- our  
6 180 degree turn and began our z pattern back into the  
7 debris field.

8 MR. ROTH-ROFFY: Okay.

9 MR. SILVA: So, we were well -- well  
10 beyond the field before we turned around.

11 The way the wind was blowing, it was --  
12 it was pretty blatantly obvious to me that anything  
13 that was on the surface was going to continue  
14 traveling with the debris field and that the -- the  
15 prudent thing I could do at that point was to get  
16 beyond the debris field and work my way back through  
17 it ensuring that there was nobody being driven out  
18 with the tide and the wind and we -- we did that  
19 maneuver twice before we removed the debris -- the  
20 debris.

21 At that point, we had helicopters on the  
22 scene and I know from past experience that the -- the  
23 helicopters have a hard time or I don't know with the  
24 -- the new infrared stuff it's not a problem, but it

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1 used to be a major problem for them. The -- the  
2 debris in the water looked like life jackets and  
3 stuff. Was a major problem for the aircrafts.

4 The floats that we did not pick up  
5 intentionally. There were a couple of seat planks,  
6 red and cream. Red on the bottom. Cream on the top.

7 I intentionally did not pick those up as markers.  
8 So, that, you know, in -- in -- in our next or -- or  
9 subsequent passes, we'd have something identified  
10 that was part of the original debris.

11 MR. ROTH-ROFFY: Okay.

12 MR. SILVA: We did have another boat  
13 standing by to join the search, but when we were  
14 relieved, I sent him in, too.

15 MR. ROTH-ROFFY: Where was he standing  
16 by?

17 MR. SILVA: Right here. Originally, he  
18 was standing by to take passengers -- the remaining  
19 passengers from Fort McHenry and when they told us  
20 the activity would prohibit that, we arranged to have  
21 a van take them and I had the boat remain on station  
22 until I -- I determined through the contract with the  
23 Coast Guard that it was -- they didn't need the boat.

24 MR. ROTH-ROFFY: Okay. Could you

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1 describe that in words where that boat was standing  
2 by?

3 MR. SILVA: The second vessel, the  
4 Patrick Duffy Number 9 would have been standing by  
5 approximately 100 yards in a northerly direction off  
6 of the Naval Reserve Station.

7 MR. ROTH-ROFFY: Okay. During your years  
8 of operating boats in -- in this -- this area, have  
9 you ever experienced a -- a wind condition similar to  
10 -- to what -- what happened last Saturday afternoon?

11 MR. SILVA: That's a hard question to  
12 answer. The reason it's a hard question to answer I  
13 -- I don't know what Frank experienced. I know what  
14 I heard Mike say. I know what I heard Frank say and  
15 I would have to answer no based on what I understand  
16 those guys ran into up there. I've never experienced  
17 anything that -- that twisted a boat around it and  
18 that -- that did what -- what they -- what both of  
19 them say happened to that boat, I've never  
20 experienced that.

21 It was -- it was pretty traumatic from  
22 what I could tell from their -- from their  
23 conversations and some of the verbiage that Frank  
24 used clearly indicated that he -- he knew what to do.

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1 I mean he -- he used the back and turn maneuver to  
2 spin the boat around. He -- he attempted to fall  
3 off, pick up speed, and come back into it to -- to  
4 minimize his profile to weather. I mean he did all  
5 the right stuff and it -- it wouldn't happen.

6 MR. ROTH-ROFFY: Could you describe that  
7 backing maneuver? When would that have occurred?

8 MR. SILVA: After he left the pier. I  
9 believe it's in Frank's deposition or his interview.

10 When Frank began to leave the pier, the  
11 wind was picking up and one of the things I've taught  
12 the small boat operators is that these boats will  
13 back very effectively into the weather.

14 Number one is present a small profile and  
15 number two, your steering -- the engine is your  
16 steering mechanism and your steering mechanism is  
17 directly at the wind. So, you can pull those boats  
18 into the wind quite easily.

19 And you use that backing maneuver. You  
20 bring the wheel around which is -- which will pull  
21 your stern off the wind and then shift to full and  
22 power back up again and now you're in a position  
23 where you got plenty of room to make a sweep turn as  
24 opposed to a very small amount of room when you were

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1 initially coming off the dock.

2 So, it affords you the opportunity to get  
3 more operating room to get the boat to a clear --  
4 into clear -- clear water and -- and better air and  
5 Frank did that.

6 Frank said the boat twisted twice at  
7 least from the -- from the way I remember what he  
8 said. I mean he thought he had it into the wind and  
9 then it just corkscrewed on him.

10 So, no, I've never experienced anything  
11 like that on there.

12 Have we experienced heavy winds out  
13 there? Yes.

14 Have I ever had anything catastrophic  
15 with them? No.

16 MR. ROTH-ROFFY: Have you ever  
17 experienced winds such that you were in -- in fear of  
18 capsizing the boat?

19 MR. SILVA: Honestly, no. Probably for  
20 two -- two reasons. One, when -- it's going to sound  
21 like a brag. I know what I'm doing and if -- if I  
22 got myself into a situation like that, I would put  
23 the boat into the wind very quickly and find a hole  
24 to hide in just as fast and -- and I wouldn't get --

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1 it wouldn't be a scary thing. It would be a do it  
2 thing. Maybe afterwards it would be -- I'll go get a  
3 B&L.

4 No, not -- I -- I borne into -- I mean  
5 the whole first year I was here, I did a four on the  
6 -- on the table. So, now, I was in that -- in that  
7 area with a similar boat, a slightly larger boat, but  
8 a similar boat. It's an open boat. It doesn't have  
9 walls, but it's the same run, single screw run.

10 No, the way that -- the way these  
11 conditions were described by those two guys, I'm not  
12 aware of anything like it that I've run across.

13 MR. ROTH-ROFFY: Okay. I have one more.  
14 How many passengers were left behind at the Fort  
15 that you had to arrange transportation for?

16 MR. SILVA: There's a little bit of  
17 contradiction in the verbal reports I got. At one  
18 point, it was seven or eight who were intending to  
19 take the next trip which would have been the last  
20 trip. Then I heard that some of them took  
21 alternative ground transportation.

22 I know Kathy arranged for and/or came out  
23 herself with a van to pick those people up and I  
24 believe I heard her on the radio saying that there

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1 was no one but the Fort coordinator left to pick up.

2 The Fort coordinator's log will clearly  
3 indicate. You subtract how many -- you'd set up how  
4 many came out and how many went back and whatever's  
5 left over is what should have been there for that  
6 last trip and initially, I believe it was seven or  
7 eight from the conversations I had with the Fort  
8 coordinator.

9 MR. ROTH-ROFFY: Was anyone able to their  
10 names, contact numbers, and whatnot?

11 MR. SILVA: I honestly don't know. I --  
12 I doubt it. I doubt it. I mean I wasn't in the  
13 position to and I was quite frankly up to my ass in  
14 alligators at that point.

15 MR. ROTH-ROFFY: Where is the Fort  
16 coordinator typically stationed at?

17 MR. SILVA: Well, he used to have this  
18 nice little house, but, you know, now he hangs around  
19 -- this is a parking lot. This -- this -- these two  
20 blocks right here I'm -- I'm guessing without any --  
21 anymore definition here. This would be the firehouse  
22 right here.

23 MR. ROTH-ROFFY: It's the building where  
24 the command center is at now?

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1 MR. SILVA: Yes.

2 MR. ROTH-ROFFY: Okay.

3 MR. SILVA: Yes. There's a -- a metal  
4 fence that separates it from Fort McHenry. It goes  
5 up behind the -- the parking lot area here.

6 MR. ROTH-ROFFY: Right.

7 MR. SILVA: And right now Bill stands --  
8 there's a -- there's a gate in that metal fence.  
9 Bill stands on the Fort side of that gate and/or  
10 between there and the rest rooms if -- if the  
11 weather's bad. Get some protection from the rest  
12 room area, but he coordinates the people on the Fort  
13 side of the gate.

14 MR. ROTH-ROFFY: Okay. And what's his  
15 name again?

16 MR. SILVA: Bill Thompson. I believe  
17 he's on that list that I gave you.

18 Bill's -- Bill's function is to keep  
19 everyone who's returning on the Fort side of the  
20 gate. When a boat comes in, they discharge their  
21 passengers. Those passengers work their way up to  
22 the Fort with Bill Thompson and usually they confirm  
23 that count back and forth and then Bill will send him  
24 down whatever he has up to 23.

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1           No one is allowed on the fire department  
2 side of that gate except those who are boarding the  
3 boat and that's -- that's intention. That's part of  
4 our agreement with the fire department.

5           So, Bill -- once there are people at the  
6 Fort, that -- that's where Bill's going to be right  
7 in the general area controlling it and he has a -- a  
8 BHF.

9           MR. ROTH-ROFFY: Okay.

10          MR. SILVA:       And he's in direct  
11 communication with the boat all the time vis-a-vis  
12 how many people coming up, how many people he's  
13 sending back down, are the people off the dock  
14 already clear, hold on, I got two more people.  
15 Whatever.

16          MR. ROTH-ROFFY: Does he ever go down to  
17 the pier and assist with putting passengers on the  
18 boat or is that the skipper and the mates  
19 responsibility?

20          MR. SILVA: My understanding is obviously  
21 at the end of the day and the beginning of the day  
22 when he's coming and going, he's involved in that.  
23 But, I don't believe -- I don't believe he does  
24 mostly because our -- our commitment to the fire

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1 department is not to allow people to go from Fort  
2 McHenry into the fire department area.

3 MR. ROTH-ROFFY: Um-hum.

4 MR. SILVA: And if Bill were -- if Bill  
5 were also assisting loading passengers, that -- that  
6 would be somewhat of a problem as far as keeping  
7 people -- keeping people out. Unless he's -- you  
8 know, unless he's got a lock for the gate now that  
9 I'm not aware of and he locks the gate. Because then  
10 it helps him. I don't think it's the case.

11 I mean when we had the old pier, we did  
12 do that. Bill was on the pier in a little house we  
13 had on it and we did, in fact lock the gate so that  
14 people couldn't go on the pier and when the boats  
15 came in, they would open the gate and count out x  
16 amount of people. The -- the appropriate number of  
17 people for whatever boat was coming in.

18 MR. ROTH-ROFFY: Do you know if he  
19 witnessed the accident? Did anyone talk to him?

20 MR. SILVA: No, I don't know. I don't  
21 know.

22 MR. ROTH-ROFFY: What does the -- the  
23 Fort coordinator do when the boat is not, you know,  
24 at the dock? Does he have other duties?

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1 MR. SILVA: He would be -- his primary  
2 responsibility at that point is to talk to the  
3 people. For the most part, while away the time so  
4 that they don't -- they could conceivably have to  
5 wait a half an hour especially if they just missed  
6 the boat or if the boat was full. So, Bill's primary  
7 function is to kind of make that time go as fast as  
8 he can for them and tell them about the Fort and  
9 other things of historic interest, so on.

10 MR. ROTH-ROFFY: Okay.

11 MR. SILVA: Kind of an almsman. Well --  
12 he's great at it. Older gentleman.

13 MR. ROTH-ROFFY: Okay. I think we're  
14 probably out of questions for right now. Again, we  
15 have some other stuff -- information we'd like to get  
16 from you and we'd appreciate if you could speak with  
17 us again in the future if we -- if we need to talk to  
18 you and we appreciate you now coming down and -- and  
19 spending the time with us. I know it's kind of  
20 tedious, but we thank you very much

21 And the time is now about 1600. That  
22 will conclude our -- our interview of Mr. Ron Silva,  
23 the Fleet Captain.

24 Thank you.

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1 (Whereupon, at 4:00 the interview as  
2 concluded.)  
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